

REMARKS

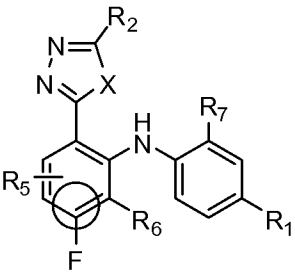
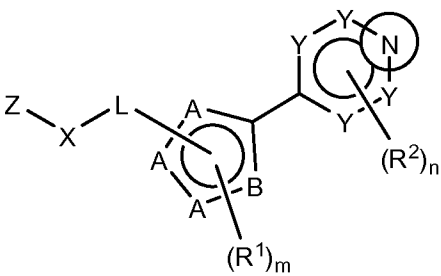
Claims 1-21 were rejected under 35 U.S.C. § 112, first paragraph, as lacking enablement for the full scope of the claims. The Office Action stated, “the specification, while being enabling for treating certain kinase dependent cancers, does not reasonably provide enablement for the treatment of all kinase dependent diseases using a compound of formula (I).” But the Office Action does not indicate which kinase dependent cancers are believed enabled and which are not. The Office Action lacks the necessary specificity for the applicants to respond completely.

Nevertheless, in an effort to advance prosecution, the applicants have amended claim 1 to recite that the claimed method is for treating a Tie-2 kinase-dependent disease or condition. The applicants note that at page 7 the Office Action states that the specification gives reasonably specific guidance for useful therapeutic protocols for treatment of Tie-2 kinase-dependent conditions.

The applicants submit that the claims are enabled for treating Tie-2 kinase-dependent diseases and conditions and, therefore, respectfully request reconsideration and withdrawal.

Claims 1-21 were next rejection under 35 U.S.C. § 112, first paragraph, for lacking enablement for methods employing hydrates and prodrugs. Although the applicants respectfully disagree, the terms “hydrates” and “prodrugs” have been deleted from the pending claims.

Claims 1-3 were rejected as anticipated under 35 U.S.C. § 102(e) by Biwersi *et al.* Without acquiescing to the assertion that Biwersi *et al.* is properly prior art under 102(e), the applicants traverse the rejection on the basis that the compounds disclosed by Biwersi *et al.* are not within the scope of the compounds recited in the present claims:

Biwersi <i>et al.</i>	Present Claims
	

Note in the two structures above the circled atom of the 6-membered aromatic ring para to the 5-membered aromatic ring; it is carbon in the compounds of Biwersi *et al.* and nitrogen in the compounds of the present claims. Thus, as can be seen, the six-membered aromatic ring directly linked to the 5-membered aromatic ring in the compounds of Biwersi *et al.* is an arylene whereas it is a heteroarylene in the present claims.

In view of the foregoing the applicants respectfully submit that the methods of Biwersi *et al.* cannot anticipate the presently pending claims. Accordingly, the applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 7-9 were rejected as obvious over Biwersi *et al.* The basis for the rejection was that the difference between the compounds of Biwersi *et al.* and those recited in the present claims was only the extension of one carbon atom in the substituted heteroaryl C₁-C₆alkyl moiety of R⁴. As noted above, this is not the case. Accordingly, the basis for the rejection is invalid, and the applicants respectfully request reconsideration and withdrawal of this rejection.

If there are any questions or comments regarding this application, the Examiner is encouraged to contact the undersigned in order to expedite prosecution.

Respectfully submitted,

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